



Education Report: Review of the curriculum regulatory system

To:	Hon Erica Stanford, Minister of Education		
Date:	18 September 2024	Priority:	Medium
Security Level:	In-Confidence	METIS No:	1332270
Drafter:	Catie van der Vloodt	DDI:	04 439 5319
Deadline Date:	23 September 2024		
Key Contact	Clare Old Jennifer Fraser	DDI:	9(2)(a)
Seen by the Communications Team:	No	Round Robin:	No

Purpose of Report

1. This report seeks your agreement to progress a work programme on strengthening the curriculum regulatory system. This system influences the quality of teaching and learning in State schools and kura through setting minimum standards around what and how to teach. It has been revised following your feedback on the proposed objectives.

Alignment with Government priorities

2. Your curriculum-related priorities are seeking to strengthen the quality and consistency of teaching and learning in schools and kura, in order to lift all students' achievement. The curriculum regulatory system has an important role to play in realising this.

Summary

3. Curriculum is a tool to make sure that all students get access to quality teaching and learning no matter where they go to school or kura, to support progress and achievement. Given your priorities around curriculum, it is a good time to review whether the curriculum regulatory system supporting it is as effective and streamlined as possible. This includes your powers under section 90 of the Education and Training Act 2020 to issue curriculum statements that make up the national curricula, as well as other levers (both legislative and non-legislative) to influence the design and implementation of State schools' and kura teaching and learning programmes.
4. We have found that overall, the curriculum regulatory system has settings flexible enough to deliver your priorities, but there are opportunities for improvement. For example, there are opportunities to streamline the two types of curriculum statements and consider how we can ensure the national curricula stays up to date over time. We want to discuss the potential issues we have identified so far with you.
5. We recommend that you agree to progress a work programme to strengthen the curriculum regulatory system. We seek your endorsement of the objectives for this work to make sure the regulatory system supports the national curricula to be

influential, responsive, and practical to implement, and that the regulatory system gives effect to Te Tiriti o Waitangi/The Treaty of Waitangi (Te Tiriti).

6. If you agree, we will start targeted engagement with key stakeholders and partners to inform our understanding of the potential issues and opportunities. If progressed, we expect that options would include both legislative change and non-legislative processes. Any changes to legislation could be progressed as part of the Education and Training Amendment Bill No. 3 (ETAB 3).

Recommended Actions

The Ministry of Education recommends you:

- a. **note** that the curriculum regulatory system includes the tools and processes that the Government can use to influence the “what” and “how” of teaching in State schools and kura in order to support quality and consistency

Noted

- b. **discuss** with officials the opportunities for improving the curriculum regulatory system which we have outlined in Annex 2

Agree / Disagree

- c. **agree** that we progress a work programme on strengthening the curriculum regulatory system, with any changes to legislation considered for inclusion in the Education and Training Amendment Bill No. 3

Agree / Disagree

- d. **endorse** the following updated policy objectives for this work programme:

- i. The curriculum regulatory system supports the curriculum content being:
- o **Influential** – the curriculum drives consistent classroom practices and is fully implemented by kura and schools, so that students consistently get access to high quality teaching and learning programmes
 - o **Responsive** – the curriculum responds to the needs of learners (and their whānau, kura and schools), including through transparent cycles of review so that it remains informed by the latest evidence and international experiences
 - o **Practical to implement** – any curriculum requirements are clear and feasible for kura and schools to comply
- ii. Ensuring the curriculum regulatory system gives effect to the Crown's obligations under **Te Tiriti o Waitangi**/the Treaty of Waitangi, including the principles of partnership, options, and active protection of Māori interests

Agree / Disagree

- e. **agree**, subject to your agreement to recommendation c, that we can start targeted engagement on the review of the curriculum regulatory system with key stakeholders

Agree / Disagree

- f. **note** that targeted engagement will include with Te Rūnanga Nui o Ngā Kura Kaupapa Māori o Aotearoa to discuss their aspirations in relation to Te Marautanga o Te Aho Matua and the potential options to realise these before providing advice for the way forward

Noted

Proactive Release:

- g. **agree** that this paper is released once Cabinet has considered advice on this issue, subject to any redactions under the Official Information Act 1982.

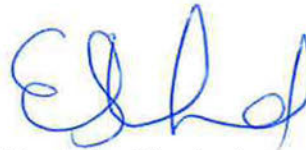
Agree / Disagree

*sharpen up words on
PS objectives*



Clare Old
Senior Policy Manager
Curriculum and Digital Policy

18/09/2024



Hon Erica Stanford
Minister of Education

13.9.24

You are refreshing the national curricula, so it is timely to look at the regulatory system that supports it

7. You have a work programme underway to strengthen the national curricula (Te Marautanga o Aotearoa and the New Zealand Curriculum), with all new content to be issued and required by 2027 (SOU-24-MIN-0051 refers). The strengthened national curricula will provide more specific direction to schools and kura about what and how to teach, with the aim of improving the quality and consistency for all students. So, it is a good time to check how the curriculum regulatory system will support this.

Overview of the curriculum regulatory system

8. This is the system for how the Government influences the design (and quality) of State schools' and kura teaching and learning programmes. A central part of the curriculum regulatory system are your powers under section 90 of the Education and Training Act 2020 (the Act) to issue national curriculum statements and foundation curriculum policy statements (curriculum statements).¹ These are mandatory for schools and kura to follow, because under section 164 of the Act, school boards must ensure that their school's principal and staff develop and implement teaching and learning programmes that give effect to these curriculum statements. The board objectives in section 127 also refer to this obligation.
9. Curriculum statements essentially set the minimum standards for what all students must get in terms of teaching and learning programmes. Ultimately, the curriculum regulatory system is about supporting progress and achievement for learners, to help maximise their potential – by making sure that all kura and schools give effect to a quality, evidence-based national curricula.
10. The regulatory system also includes things like:
 - a. processes to support the monitoring and enforcement of the national curricula, including through support for schools and kura as well as the statutory interventions (set out in section 171 of the Act)
 - b. kura and schools having to include a link between their strategic goals and the national curricula in their strategic plan (under Education (School Planning and Reporting) Regulations 2023)
 - c. kura who are designated character schools (including kura ā-iwi and kura motuhake) having to operate consistently with their different character (set out in section 204 of the Act)
 - d. Kura Kaupapa Māori having to operate in accordance with Te Aho Matua (set out in section 201 of the Act), and
 - e. the processes used to develop curriculum statements.
11. We have attached a high-level map of the different actors in this system in **Annex 1**, which we can discuss with you. It shows that the Government regulates the national curriculum through school boards, rather than imposing obligations directly on principals and teachers within kura and schools. In practice it is likely to be the principal and senior teaching staff who design the school's teaching and learning programme, and who are therefore key to influencing how the kura or school meets its curriculum requirements.

¹ The national curriculum statements can cover the areas of knowledge, understanding, and skills to be developed. Foundation curriculum policy statements can be made (including assessment) to give direction to how curriculum and assessment responsibilities are managed. Generally, this means the national curriculum statements cover the "what" of teaching (like the content in the learning area), whereas foundation curriculum policy statements can provide the overarching framework and direct the "how" (for example teaching practices to be used).

We have started reviewing the system to make sure it is as streamlined and effective as possible

12. We want to make sure the curriculum regulatory system is as streamlined, effective, and durable as possible. We have been reviewing whether there are potential problems or opportunities for improvement by looking at:
- the design of the **regulatory levers** within the Act – which means the tools the Government has to influence the design of kura and schools' teaching and learning programmes (including those described in the last section);
 - the **regulatory processes** for introducing and reviewing curriculum statements; and
 - how the processes and levers can give effect to the Crown's obligations under Te Tiriti.

There are some opportunities for improving the regulatory levers and processes


13. The curriculum regulatory settings are flexible enough to set expectations for schools and kura around your policy objectives, like standardising assessment and structured literacy and rangaranga reo ā-tā approaches. But there are some specific areas where we have identified several opportunities for improvement. We have outlined these in **Annex 2** to discuss with you. Broadly, the issues and opportunities are around:
- safeguards for the regulatory process to support transparency and buy-in from kura and schools for any changes to the national curricula
 - providing more clarity and flexibility with how you can use your curriculum powers, including combining the two types of statements and supporting agency and authority for kaupapa Māori pathways
 - making sure the national curricula remains fit for purpose over time
 - how we support kura and schools to give effect to the national curricula in their teaching and learning programmes.

We seek your agreement to progress a work programme to strengthen the curriculum regulatory system

14. Given the opportunities for improvement identified, we are seeking your agreement to progress a work programme to strengthen the curriculum regulatory system. It can focus on achieving the below objectives, which have been revised based on your feedback:

Proposed objectives	
The curriculum regulatory system supports the curriculum content being:	Influential – the curriculum drives consistent classroom practices and is fully implemented by kura and schools, so that students consistently get access to high quality teaching and learning programmes. <i>Consistent + coherent?</i>
	Responsive – the curriculum responds to the needs of learners (and their whānau, kura and schools), including through transparent cycles of review so that it remains informed by the latest evidence and international experiences. <i>evidence informed</i>
	Practical to implement – any curriculum requirements are clear and feasible for kura and schools to comply.
Ensuring the curriculum regulatory system gives effect to the Crown's obligations under Te Tiriti o Waitangi/the Treaty of Waitangi, including the principles of partnership, options and active protection of Māori interests.	

15. The scope of this work programme could be the areas for improvement identified in Annex 2. We want to discuss these with you to get your feedback and confirm whether you support this approach. The type of options we can explore are both changes to legislation, as well as developing non-legislative processes and frameworks.

16. 9(2)(f)(iv)
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Next Steps

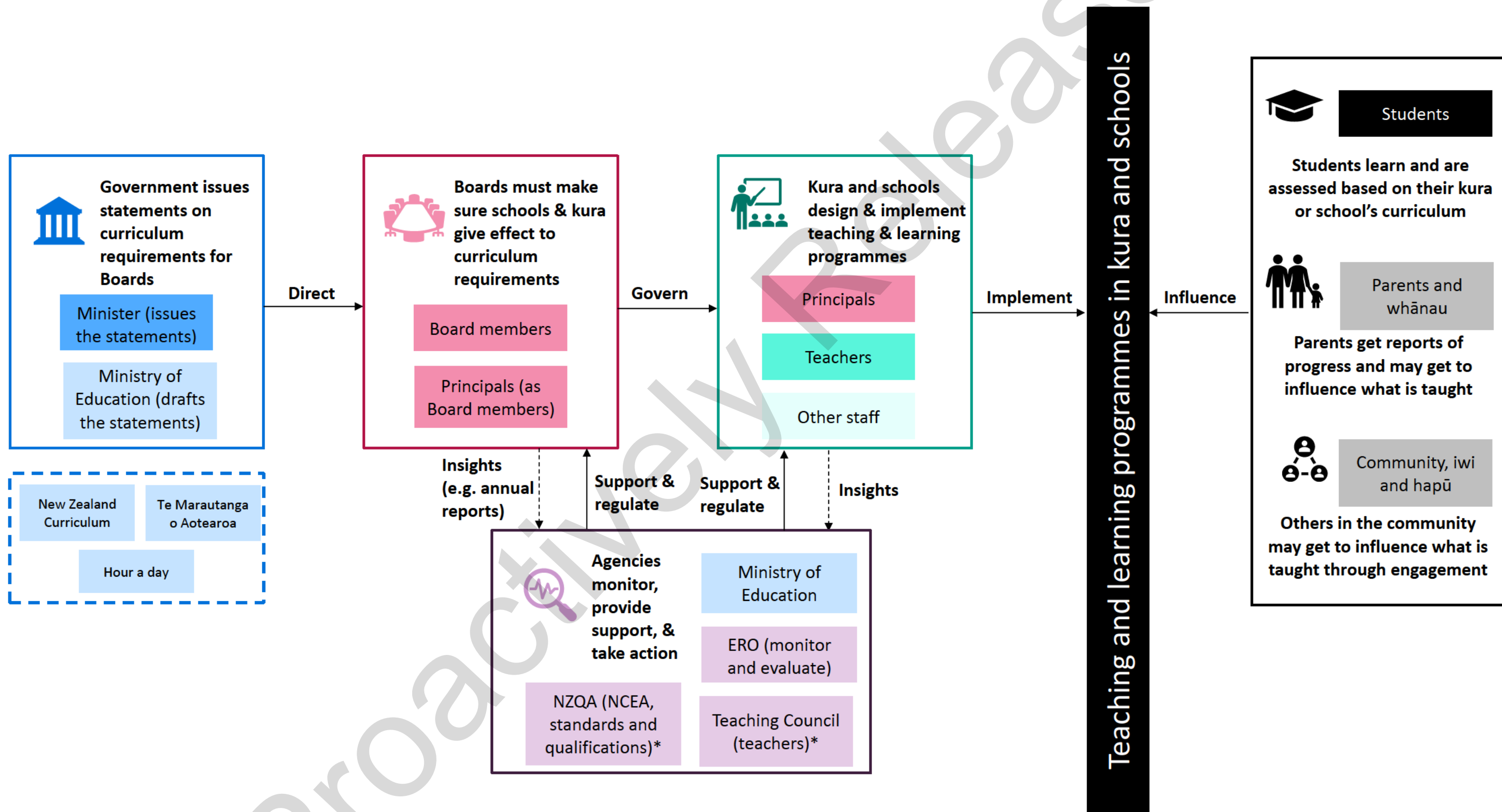
17. In **Annex 3**, we have outlined a potential timeline for this work programme, including where we would seek decisions from you. It shows that any legislative change could be progressed as part of ETAB 3, which means it would likely come into force from August 2026. This bill currently has a priority ranking of 7 (meaning policy development to continue in or beyond 2024).
18. After our initial discussion about the attached A3s and proposed work programme, we understand you may have feedback on the issues outlined around safeguarding Māori interests. We are keen to discuss these further with you as we continue this work.
19. If you agree, our immediate next step would be to start having conversations with peak bodies and other key partners as part of targeted engagement. These would be early conversations to discuss and get feedback on the issues and opportunities, which will inform the options we develop for you to consider in December. We understand that you want any consultation on specific policy options to wait until public consultation next year. If requested, we can provide your office with a list of the groups and organisations that we would reach out to.
20. We consulted with the Education Review Office on this report, and they would contribute to the proposed work programme.

Annexes

The following are annexed to this paper:

- Annex 1: System map of how curriculum is regulated
- Annex 2: Issues and opportunities with the curriculum regulatory system
- Annex 3: Indicative timeline for review of the curriculum regulatory system

Annex 1: System map of how curriculum is regulated



*Note there is separate work underway around the regulatory system for the teaching profession. Likewise, NZQA and how NCEA is regulated is not in scope of this proposed work programme.

Annex 2: Issues and opportunities with the curriculum regulatory system

Key



Influences teaching and learning



Responds to needs



Balances requirements to implement



Gives effect to Te Tiriti

Regulatory Levers

Issues

No clear reason for having two different types of curriculum statements - The two types under section 90 overlap and there is no rationale for keeping them separate. Particularly with the shift towards an integrated national curriculum that covers both the “what” and the “how” it creates unnecessary complexity.

Limited ability to take account of school differences - Curriculum statements must be applied to all State schools. The Minister can't create different curriculum statements for different types of schools and kura, or to exempt certain types from a particular part. A more prescriptive national curriculum may mean there is more need for an ability to tailor.

Call for greater agency and authority for Māori - Māori claimants are advocating for greater tino rangatiratanga, but the Minister is not able to establish a distinct national curriculum only for use by specific kura. Also, there is no requirement that there must be a national curriculum for ākonga learning in te reo Māori, and regulatory settings are primarily shaped for English medium.

Our use of non-regulatory and statutory interventions could be considered - a more prescriptive curriculum means it becomes more likely some schools will not fully comply, and easier to notice. We can support these schools, but we do not have a framework yet for how to strategically intervene to support compliance with the national curriculum, though work has started to sharpen our focus on proactively supporting schools with student achievement issues.

Opportunities



Streamlining curriculum statements will make it easier for schools and kura to understand their responsibilities.

Increasing flexibility around how to treat different types of schools or groups could support better achievement through tailoring. This includes the potential to enable distinct curriculum for specific kura, like Te Marautanga o Te Aho Matua.



Strategically using non-regulatory and statutory interventions for national curricula implementation to support compliance and student progress.

Regulatory Processes

Issues

No formal consultation processes impact implementation - The Minister has power to issue curriculum statements at any time, the only requirement beforehand is notice in the New Zealand Gazette. Lack of formal processes means practice may not always align with guidelines for good regulatory process, for example around consultation. There have been a variety of consultation approaches taken related to introducing curriculum statements. Consultation impacts how kura and schools give effect to new requirements.

The Act does not explicitly safeguard Māori interests in curriculum design and review processes - Section 4 of the Act sets out that the education system must honor Te Tiriti and support Māori-Crown relationships, but the Act lacks specific safeguards to ensure curriculum design and review processes effectively uphold Te Tiriti by considering Māori interests. Most ākonga Māori are enrolled in English medium settings, so NZC in particular needs to consider Māori interests.

Curriculum updates are not regular or coherent - No requirement exists for reviewing curriculum statements to ensure they remain fit for purpose. There have been long periods without updates to the national curriculum. Ad-hoc revisions have also resulted in less coherent national curricula.

Opportunities



Adding consistent steps to the regulatory process could support transparency and buy-in, supporting better implementation by schools and kura.

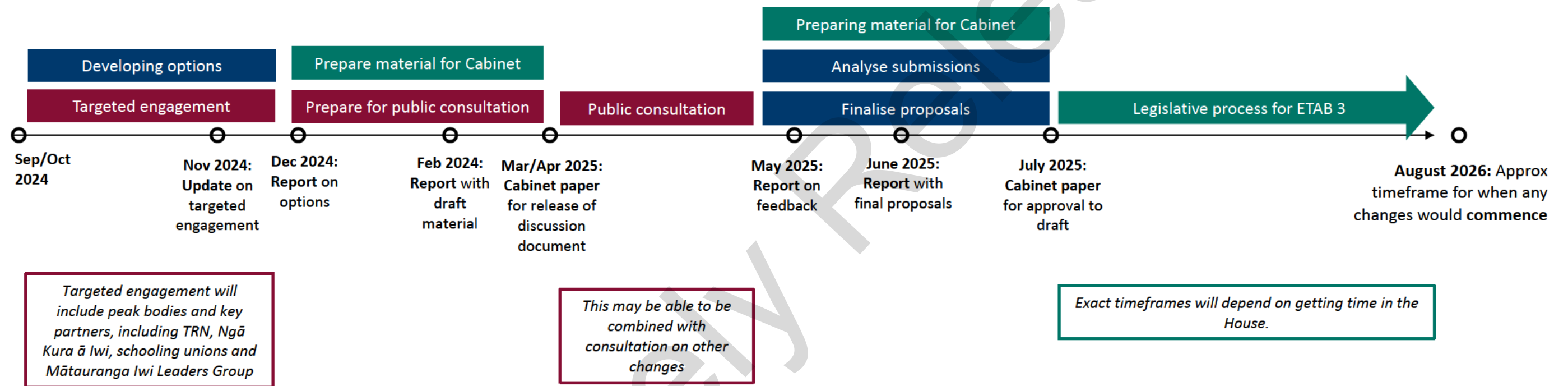


Incorporating clear requirements for engagement and recognition of Māori interests in curriculum design processes could support upholding Te Tiriti and achievement for Māori learners.



Introducing a clear review framework could help make sure the national curriculum remains current and fit for purpose over time.

Annex 3: Indicative timeline for review of the curriculum regulatory system



Key

Cabinet/Parliament processes
Engagement
Policy development